

**Notice of Allowability**

Application No.

08/794,637

Examiner

Hunter B. Lonsberry

Applicant(s)

HENDRICKS ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/27/06.
2. ☒ The allowed claim(s) is/are 8-12, 14-20, 22-25, 28-30, 32-35, 40-52, 79-84, 86-101, 103-107, 109, 122-134, 144-155 and 159.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
CHRIS KELLEY**SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, nor reasonably suggest a method of allocating bandwidth to a plurality of programs, prioritizing programs and assigning a number of different priority levels, allocating a portion of the bandwidth to signals by highest priority level to lowest, and continuing until all of the signals are allocated or all of the bandwidth is allocated, each priority level including a different set of programs from a variety of categories and the high priority level includes a first finite number of programs from each of the plurality of categories, and a lower priority level includes a second finite number of different programs from each of the plurality of categories as claimed in claims 8 and 18.

The prior art of record does not disclose nor reasonably suggest a method of transmitting programs to a plurality of transponders, prioritizing programs and assigning a number of different priority levels, allocating a portion of the bandwidth to signals by highest priority level to lowest, and continuing until all of the signals are allocated or all of the bandwidth is allocated, and then transmitting the plurality of signals to a plurality of transponders so that none of the transponders receives more than one of the signals as claimed in Claims 25 and 159.

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The prior art of record does not disclose nor reasonably suggest a system for allocating bandwidth to a plurality of programs comprising a CPU for selecting programs and dividing bandwidth so that each of the program categories receives a segment, and wherein the CPU dynamically changes the bandwidths by varying a number of the selected programs within at least one of the selected categories as disclosed in claims 79 and 95.

Claims 8-12, 14-20, 22-25, 28-30, 32-35, 40-52, 79-84, 86-101, 103-107, 109, 122-134, 144-155 and 159 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal line extending to the right.

**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**